

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

|                                |   |                   |
|--------------------------------|---|-------------------|
| DAVID CLARK FORNEY,            | ) | 4:09CV3033        |
|                                | ) |                   |
| Plaintiff,                     | ) |                   |
|                                | ) |                   |
| v.                             | ) | <b>MEMORANDUM</b> |
|                                | ) | <b>AND ORDER</b>  |
| DAILY TIMES NEWSPAPER, et al., | ) |                   |
|                                | ) |                   |
| Defendants.                    | ) |                   |

Plaintiff filed a Complaint in this matter (filing no. [1](#)) while he was incarcerated at the Keith County Correctional Center. Plaintiff also filed a Motion for Leave to Proceed in Forma Pauperis (“IFP”) while he was incarcerated. (Filing No. [2](#).) No portion of the filing fee has been paid as of the date of this order.

Based on the records of this court, it appears Plaintiff is no longer incarcerated. Therefore, he must now file a new Application for Leave to Proceed IFP in order to pursue his case in forma pauperis. Plaintiff may, in the alternative, pay the entire \$350.00 filing fee. However, if Plaintiff fails to either file a new IFP application or pay the \$350.00 filing fee by April 13, 2009, this case will be subject to dismissal without further notice.

IT IS THEREFORE ORDERED that:

1. The Clerk of the court shall send to Plaintiff a Form AO240, “Application to Proceed Without Prepayment of Fees and Affidavit.”
2. By April 13, 2009, Plaintiff shall either file a new Application to Proceed IFP or pay the court’s \$350 filing fee. If Plaintiff fails to comply with this Memorandum and Order, this case may be subject to dismissal without further notice.

3. Plaintiff's pending Motion to Proceed IFP (filing no. [2](#)) is denied as moot.

4. The Clerk of the court is directed to set a pro se case management deadline with the following text: April 13, 2009: deadline for Plaintiff to file new IFP application or pay filing fee.

March 13, 2009.

BY THE COURT:

*s/Richard G. Kopf*  
United States District Judge